

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

JERRY LYNN LOFTON

PETITIONER

V.

NO. 3:20-CV-00086-MPM-JMV

WARDEN JESSE WILLIAMS and  
THE ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI

RESPONDENTS

ORDER

This matter comes before the Court upon Petitioner's motion for leave to file a sur-rebuttal.<sup>1</sup> Doc. # 27. In so moving, Petitioner fails to demonstrate, or even generally argue, that the filing of such a sur-rebuttal is necessary. And while Petitioner does cite Rule 5(a) and (e) of the Rules Governing § 2254 Cases in support, his reliance on this authority is misplaced. Rule 5(a) merely provides that "[t]he respondent is not required to answer the petition unless a judge so orders." Rule 5(a) of the Rules Governing § 2254 Cases in the United States District Courts. The Court did, in fact, order such a response from Respondents. *See* Doc. # 7. Rule 5(e) additionally provides that "[t]he petitioner may submit a reply to the respondent's answer or other pleading within a time fixed by the judge." Rule 5(e) of the Rules Governing § 2254 Cases in the United States District Courts. The Court also permitted Petitioner to file a reply within a certain period of time, and that reply has been filed.<sup>2</sup> *See* Doc. #s 7, 19. Accordingly, the Court finds that Petitioner's motion [27] for leave to file a sur-rebuttal is not well-taken and is, therefore, **DENIED**.

**SO ORDERED**, this the 4<sup>th</sup> day of November, 2020

/s/ Jane M. Virden  
JANE M. VIRDEN  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Petitioner styles his filing as a "motion for permission to file a reply to the respondent's opposition to the petitioner's traverse." *See* Doc. # 27. In other words, Petitioner asks that he be allowed to file a reply to Respondents' reply to Petitioner's reply to Respondents' response to Petitioner's federal habeas petition. *See id.*

<sup>2</sup> The Court notes that Petitioner was granted an extension of time to file his reply. *See* Doc. # 17.